

## HB0462S03 compared with HB0462S02

~~{deleted text}~~ shows text that was in HB0462S02 but was deleted in HB0462S03.

Inserted text shows text that was not in HB0462S02 but was inserted into HB0462S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Karianne Lisonbee}~~Senator Todd Weiler proposes the following substitute bill:

### HOMELESS SERVICES AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Todd Weiler

Cosponsors:	Gregory H. Hughes	<del>{</del> Angela Romero
Joel K. Briscoe	Eric K. Hutchings	Douglas V. Sagers
<u>Walt Brooks</u>	Brian S. King	Mike Schultz
<u>Rebecca Chavez-Houck</u>	<u>Karen Kwan</u>	<u>V. Lowry Snow</u>
<u>Susan Duckworth</u>	<u>Bradley G. Last</u>	Robert M. Spendlove
<u>Rebecca P. Edwards</u>	Michael E. Noel	Elizabeth Weight
Gage Froerer	Jeremy A. Peterson	John R. Westwood
Francis D. Gibson	Dixon M. Pitcher	Mark A. Wheatley
Sandra Hollins	<del>{Val K. Potter</del>	

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**LONG TITLE**

**General Description:**

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This bill amends provisions related to the ~~{Homeless to}~~ Housing ~~{Reform Restricted Account}~~ and Community Development Division.

### Highlighted Provisions:

This bill:

- ▶ ~~{modifies the membership of the Homeless Coordinating Committee}~~ defines terms;
- ▶ ~~{modifies}~~ amends provisions related to ~~{the awarding of grants by the Homeless Coordinating Committee and the Division of Housing and Community Development from}~~ how money in the Olene Walker Housing Loan Fund may be used;
- ▶ amends provisions related to how money in the Homeless to Housing Reform Restricted Account may be used;
- ▶ amends reporting requirements of the Housing and Community Development Division; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

This bill appropriates in fiscal year 2019:

- ▶ to the General Fund Restricted -- Homeless to Housing Reform Restricted Account, as an ongoing appropriation:
  - from the General Fund, \$6,600,000; ~~{and}~~
- ▶ to the Department of Workforce Services -- Housing and Community Development, as an ongoing appropriation:
  - from the General Fund Restricted -- Homeless to Housing Reform Restricted Account, \$6,600,000.

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

35A-8-505, as last amended by Laws of Utah 2016, Chapter 131

35A-8-601, as last amended by Laws of Utah 2016, Chapter 278

35A-8-604, as last amended by Laws of Utah 2017, Chapter 21

35A-8-605, as enacted by Laws of Utah 2016, Chapter 278

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### ENACTS:

#### 35A-8-805, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

#### Section 1. Section 35A-8-505 is amended to read:

**35A-8-505. Activities authorized to receive fund money -- Powers of the executive director.**

At the direction of the board, the executive director may:

(1) provide fund money to any of the following activities:

(a) the acquisition, rehabilitation, or new construction of low-income housing units;

(b) matching funds for social services projects directly related to providing housing for special-need renters in assisted projects;

(c) the development and construction of accessible housing designed for low-income persons;

(d) the construction or improvement of a shelter or transitional housing facility that provides services intended to prevent or minimize homelessness among members of a specific homeless subpopulation; ~~and~~

~~—(e)~~ [and]

(e) the purchase of an existing facility to provide temporary or transitional housing for the homeless in an area that does not require rezoning before providing such temporary or transitional housing; and

~~(e)~~ (f) other activities that will assist in minimizing homelessness or improving the availability or quality of housing in the state for low-income persons;

(2) do any act necessary or convenient to the exercise of the powers granted by this part or reasonably implied from those granted powers, including:

(a) making or executing contracts and other instruments necessary or convenient for the performance of the executive director and board's duties and the exercise of the executive director and board's powers and functions under this part, including contracts or agreements for the servicing and originating of mortgage loans;

(b) procuring insurance against a loss in connection with property or other assets held by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

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(c) entering into agreements with a department, agency, or instrumentality of the United States or this state and with mortgagors and mortgage lenders for the purpose of planning and regulating and providing for the financing and refinancing, purchase, construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale, or other disposition of residential housing undertaken with the assistance of the department under this part;

(d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate, repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or personal property obtained by the fund due to the default on a mortgage loan held by the fund in preparation for disposition of the property, taking assignments of leases and rentals, proceeding with foreclosure actions, and taking other actions necessary or incidental to the performance of its duties; and

(e) selling, at a public or private sale, with public bidding, a mortgage or other obligation held by the fund.

Section ~~44~~2. Section **35A-8-601** is amended to read:

### **35A-8-601. Creation.**

(1) There is created within the division the Homeless Coordinating Committee.

(2) (a) The committee shall consist of the following members:

(i) the lieutenant governor or the lieutenant governor's designee;

(ii) the state planning coordinator or the coordinator's designee;

(iii) the state superintendent of public instruction or the superintendent's designee;

(iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's designee;

(v) the executive director of the Department of Workforce Services or the executive director's designee;

(vi) the executive director of the Department of Corrections or the executive director's designee;

(vii) the executive director of the Department of Health or the executive director's designee;

(viii) the executive director of the Department of Human Services or the executive director's designee;

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(ix) the mayor of Salt Lake City~~[-and]~~ or the mayor's designee~~[-and]}~~

(x) the mayor of Salt Lake County[:] or the mayor's designee;

(xi) the mayor of Ogden or the mayor's designee;

(xii) the mayor of Midvale or the mayor's designee;{and}

(xiii) the mayor of St. George or the mayor's designee{.t; and

(xiv) the mayor of South Salt Lake or the mayor's designee.

(b) (i) The lieutenant governor shall serve as the chair of the committee.

(ii) The lieutenant governor may appoint a vice chair from among committee members, who shall conduct committee meetings in the absence of the lieutenant governor.

(3) The governor may appoint as members of the committee:

(a) representatives of local governments, local housing authorities, local law enforcement agencies;

(b) representatives of federal and private agencies and organizations concerned with the homeless, persons with a mental illness, the elderly, single-parent families, persons with a substance use disorder, and persons with a disability; and

(c) a resident of Salt Lake County.

(4) (a) Except as required by Subsection (4)(b), as terms of current committee members appointed under Subsection (3) expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) A member appointed under Subsection (3) may not be appointed to serve more than three consecutive terms.

(5) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

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(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section ~~2~~3. Section **35A-8-604** is amended to read:

### **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

(1) With the concurrence of the division and in accordance with this section, the Homeless Coordinating Committee members designated in Subsection 35A-8-601(2) may award ongoing or one-time grants or contracts funded from the Homeless to Housing Reform Restricted Account created in Section 35A-8-605.

(2) Before final approval of a grant or contract awarded under this section, the Homeless Coordinating Committee and the division shall provide written information regarding the grant or contract to, and shall consider the recommendations of, the Executive Appropriations Committee.

(3) As a condition of receiving money, including any ongoing money, from the [~~Homeless to Housing Reform Restricted Account~~] restricted account, an entity awarded a grant or contract under this section shall provide detailed and accurate reporting on at least an annual basis to the division and the Homeless Coordinating Committee that describes:

(a) how money provided from the [~~Homeless to Housing Reform Restricted Account~~] restricted account has been spent by the entity; and

(b) the progress towards measurable outcome-based benchmarks agreed to between the entity and the Homeless Coordinating Committee before the awarding of the grant or contract.

(4) In determining the awarding of a grant or contract under this section, the Homeless Coordinating Committee, with the concurrence of the division, shall:

(a) ensure that the services to be provided through the grant or contract will be provided in a cost-effective manner;

(b) consider the advice of committee members designated in Subsection 35A-8-601(3);

(c) give priority to a project or contract that will include significant additional or matching funds from a private organization, nonprofit organization, or local government entity;

(d) ensure that the project or contract will target the distinct housing needs of one or more at-risk or homeless subpopulations, which may include:

(i) families with children;

(ii) transitional-aged youth;

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- (iii) single men or single women;
- (iv) veterans;
- (v) victims of domestic violence;
- (vi) individuals with behavioral health disorders, including mental health or substance use disorders;
- (vii) individuals who are medically frail or terminally ill;
- (viii) individuals exiting prison or jail; or
- (ix) individuals who are homeless without shelter; and
- (e) consider whether the project will address one or more of the following goals:
  - (i) diverting homeless or imminently homeless individuals and families from emergency shelters by providing better housing-based solutions;
  - (ii) meeting the basic needs of homeless individuals and families in crisis;
  - (iii) providing homeless individuals and families with needed stabilization services;
  - (iv) decreasing the state's homeless rate;
  - (v) implementing a coordinated entry system with consistent assessment tools to provide appropriate and timely access to services for homeless individuals and families;
  - (vi) providing access to caseworkers or other individualized support for homeless individuals and families;
  - (vii) encouraging employment and increased financial stability for individuals and families being diverted from or exiting homelessness;
  - (viii) creating additional affordable housing for state residents;
  - (ix) providing services and support to prevent homelessness among at-risk individuals and adults;
  - (x) providing services and support to prevent homelessness among at-risk children, adolescents, and young adults; and
  - (xi) preventing the reoccurrence of homelessness among individuals and families exiting homelessness.

(5) In addition to the other provisions of this section, in determining the awarding of a grant or contract under this section to design, build, create, or renovate a facility that will provide shelter or other resources for the homeless, the Homeless Coordinating Committee, with the concurrence of the division, may consider whether the facility will be:

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- (a) located near mass transit services;
  - (b) located in an area that meets or will meet all zoning regulations before a final dispersal of funds;
  - (c) safe and welcoming both for individuals using the facility and for members of the surrounding community; and
  - (d) located in an area with access to employment, job training, and positive activities.
- (6) In accordance with Subsection (5), and subject to the approval of the Homeless Coordinating Committee with the concurrence of the division, the following may recommend a site location, acquire a site location, and hold title to real property, buildings, fixtures, and appurtenances of a facility that provides or will provide shelter or other resources for the homeless:

(a) the county executive of a county of the first class on behalf of the county of the first class, if the facility is or will be located in the county of the first class in a location other than Salt Lake City;

(b) the state;

(c) a nonprofit entity approved by the Homeless Coordinating Committee with the concurrence of the division; and

(d) a mayor of a municipality on behalf of the municipality where a facility is or will be located.

(7) Subject to the requirements of Subsections (5) and (6), on or before March 30, 2017, the county executive of a county of the first class shall make a recommendation to the Homeless Coordinating Committee identifying a site location for one facility within the county of the first class that will provide shelter for the homeless in a location other than Salt Lake City.

(8) (a) As used in this Subsection (8) and in Subsection (9), "homeless shelter" means a facility that:

(i) is located within a municipality;

(ii) provides temporary shelter year-round to homeless individuals; and

(iii) has the capacity to provide temporary shelter to at least 50 individuals per night.

(b) In addition to the other provisions of this section, the Homeless Coordinating Committee, with the concurrence of the division, may award a grant or contract:



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(i) to a municipality to improve sidewalks, pathways, or roadways near a homeless shelter to provide greater safety to homeless individuals; and

(ii) to a municipality to hire one or more peace officers to provide greater safety to homeless individuals.

(9) (a) If a homeless shelter commits to provide matching funds equal to the total grant awarded under this Subsection (9), the Homeless Coordinating Committee, with the concurrence of the division, may award ~~{money}~~ a grant for the ongoing operations of the homeless shelter.

(b) In awarding a grant under this Subsection (9), the Homeless Coordinating Committee, with the concurrence of the division, shall:

(i) give priority to a homeless shelter located in a county of the first class that has the capacity to provide temporary shelter to at least 200 individuals per night; and

(ii) consider the number of beds available at the homeless shelter and the number and quality of the homeless services provided by the homeless shelter.

~~[(9)]~~ (10) The division may expend money from the ~~[Homeless to Housing Reform Restricted Account]~~ restricted account to offset actual division and Homeless Coordinating Committee expenses related to administering this section.

Section 4. Section 35A-8-605 is amended to read:

**35A-8-605. Homeless to Housing Reform Restricted Account.**

(1) There is created a restricted account within the General Fund known as the Homeless to Housing Reform Restricted Account.

(2) The restricted account shall be administered by the division for the purposes described in Section 35A-8-604.

(3) The state treasurer shall invest the money in the restricted account according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that interest and other earnings derived from the restricted account shall be deposited in the restricted account.

(4) The restricted account shall be funded by:

(a) appropriations made to the account by the Legislature; and

(b) private donations, grants, gifts, bequests, or money made available from any other source to implement this section and Section 35A-8-604.

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(5) Subject to appropriation, the director shall use restricted account money as described in Section 35A-8-604.

(6) The Homeless Coordinating Committee, in cooperation with the division, shall submit an annual written report to the department that gives a complete accounting of the use of money from the restricted account for inclusion in the annual report described in Section 35A-1-109.

Section 5. Section 35A-8-805 is enacted to read:

### **35A-8-805. Reporting requirements.**

(1) As used in this section:

(a) "Affordable housing" means, as determined by the department, the number of housing units within a county or municipality where a household whose income is at or below 50% of area median income is able to live in a unit without spending more than 30% of their income on housing costs.

(b) "County" means the unincorporated area of a county.

(c) "Low-income housing" means, as determined by the department, the number of Section 42, Internal Revenue Code, housing units within a county or municipality.

(d) "Municipality" means a city, town, or metro township.

(2) (a) On or before October 1 of each year, the division shall provide a report to the department for inclusion in the department's annual report described in Section 35A-1-109.

(b) The report shall include:

(i) an estimate of how many affordable housing units and how many low-income housing units are available in each county and municipality in the state;

(ii) a determination of the percentage of affordable housing available in each county and municipality in the state as compared to the statewide average;

(iii) a determination of the percentage of low-income housing available in each county and municipality in the state as compared to the statewide average; and

(iv) a description of how information in the report was calculated.

Section ~~{3}~~6. Appropriation.

~~{For Item 1 and Item 2, the}~~The following sums of money are appropriated for the fiscal year beginning July 1, 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for fiscal year 2019. Under the terms and conditions of Title 63J,

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Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

### ITEM 1

To Fund and Account Transfers -- General Fund Restricted -- Homeless to

Housing Reform Restricted Account

From General Fund \$6,600,000

Schedule of Programs:

General Fund Restricted -- Homeless to

Housing Reform

Restricted Account \$6,600,000

### ITEM 2

To Department of Workforce Services -- Housing and Community Development

From General Fund Restricted -- Homeless to Housing

Reform Restricted Account \$6,600,000

Schedule of Programs:

Homeless to Housing Reform Program \$6,600,000

The Legislature intends that:

(1) under Section 63J-1-603 appropriations provided under this section not lapse at the close of fiscal year 2019; and

(2) the appropriation to the Homeless to Housing Reform Restricted Account be used for the purposes described in Subsection 35A-8-604(9).